

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Marilyn L Hamilton

FILED

FEB 13 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Spring Village at Floral Vale
Woodbine Senior Living

Deb Bodnar Executive Director

Calista Grace Oberholtzer Director of admissions

Daryl McCombs

Steven Gaylor Operation Manager

Gloria Brock Co-founder

Kennyetta Davis (Kennyetta Davis)

Victoria Cuerras

Brian W. Waerig Esq

amended

COMPLAINT

Jury Trial: ☐ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	_____
	Street Address	_____
	County, City	_____
	State & Zip Code	_____
	Telephone Number	_____

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Deb Bodnar
 Street Address 1000 Township line Road
 County, City Yardley
 State & Zip Code pa 19067

Defendant No. 2

Name Calista Grace Oberholtzer
 Street Address 1000 Township line Rd
 County, City Yardley
 State & Zip Code pa 19067

Defendant No. 3

Name Kenniyetta Davis
 Street Address 1000 Township line Road
 County, City Yardley
 State & Zip Code pa 19067

Defendant No. 4

Name Victoria Cuernvas
 Street Address 1000 Township line Road
 County, City Yardley
 State & Zip Code pa 19067

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

Job Discrimination based on
my disability I was not allowed to
work at Spring Village because I was hearing
impaired.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

USA

Defendant(s) state(s) of citizenship

USA

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur?

Directly at Spring Village
At Floral Vale in March 21, 2016

B. What date and approximate time did the events giving rise to your claim(s) occur?

March 21, 2016 — April 13, 2016

What
happened
to you?

C. Facts:

I Applied for a job as a CNA
Certified Nursing Assistant. I participated
in the jobs open Interviews. At the
open Interviews meeting Calista
hollered at me angrily and told me
to stand up in front of everyone
while the woman was talking because
she noticed that I was wearing a
hearing aide.

Who did
what?

Was
anyone
else
involved?

See Attachee
typed.

Who else
saw what
happened?

#17-cv-231 Judge Quinn

In March 2016 Spring Village at Floral Vale had listed open opportunities of employment, and that they were holding group interviews for cna meaning certified Nursing assistant. I was informed by an employment notice which was listed on jobs matching my skills from Careerlink including Indeed about the various openings and date of open interviews. I called but did not allow the operator to inform that I had a hearing loss to find out what shifts they had full time openings in. When I learned from receptionist that they had all shifts and all positions and were hiring and holding a group interview in a week I went in.

When I went to the group interview there were about 6 other applicants we all were told where the meeting was in the great living room we sat at tables filled out applications. Shortly members, heads, supervisors, directors from all the departments showed up at the meeting we were all fine we were asked questions such as what positions we were applying to what are names were and given information regarding Spring Village at Floral Vale when suddenly while meeting was taking place a woman who was wearing a cast on her leg and foot at the time who had crutches(Callista Oberhaltzer Caucasian female Admissions Director) Picture provided of the women) who was slowing going through the room looking around looked at me began angrily saying "hey hey get up get up stand up" I looked at where she was pointing nobody was in the direction except me. A few candidates told me she was talking to me and I stood up. Callista Oberhaltzer said "She is Deaf" while pointing at me and shaking her finger. (as if when somebody has a gun and is shooting at someone). The Executive Director Deb Bodnar asked me what was my name I said it softly not loud enough another staff asked Deb Bodnar Executive Director caucasian female at the time said what is her name again so I said it again softly and I sat back down most of the staff began writing my name down. I was trembling but I managed to stay and try and get a job. I went through everything the full process a member showed us around the building. I then went on to the job interview part I met with Kenyatta Davis,

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who informed me that she had to ask her supervisor if she could have me working here I said okay and was dismissed. (Same day as of group interviews)

I received another call from Kenneyetta Davis (African American Female) she gave me a second interview. Interviewed me then offered me the job, however she didn't give me a start date at all she stated she would call me by Monday to inform me what date I was to start I was happy and said okay and thanked her. However I did not hear from Kenneyetta Davis at all until 3/31/16 on voicemail.

On 3/31/16 I received a call from Spring Village the machine was retrieved that call came from Kenneyatta Davis who had called me regarding employment who I was expecting a call from to start position. I called back on the same day Victoria questioned me as to who called me I informed her that I received a call from Kenneyatta (Black female) she stated oooh Kenetta then she stated Kennetta went home for the day however each time I called including the first time Kennetta would always talk to me harshly she had a rude tone in her voice. I called the next business day including other days. I continued to call on the bussiness days until Victoria Cuervas stated on 4/13/16 that Kennetta already knows that I called and that she was not going to give Kenneyetta any more messages! Okayyyyyyyyyy!!! Then she hung up.

I am truly wanting respect I was discriminated from doing work because I have a hearing loss which is labeled as hearing impairment now Hard of hearing I am fully capable of doing the work and all works listed available such as Cna, Housekeeping, Food service, (prep cook) Laundry aide. These jobs are always listed open at Spring Village at Floral Vale even today they are available. I hold experiences in every position, but I hold education in Food Service and Cna. I can do any job and can do Cna certified Nursing assistant well I only would need special accommodation for the training portion of the job which would be a sign language interpreter or job coach with sign language skills. Vocation

Rehabilitation know as OVR a governmental agency would have been very assistive they can and will and have provided me with hearing aids, temporary accommodations to support with getting and holding a job including a job coach who is very assistive. I only require special accommodations for the training of the job then I would be able to learn each residents needs, ways plan for each individual. I can do the work well and have had a cna since July 2004 till now this is how I had my Cna from 2004 till now. You must have worked in order to hold a Cna license, my license is still in effect. There is nothing at Spring Village at Floral Vale that I do not know how to do or cannot do with training provided and temporary special accommodation in which the employer could have provided rather than opting out of offering me work just because I had a hearing loss.

I have never heard back from Kennyetta Davis and calls were not returned. The directors were in the room when I was being discriminated openly by Callista Oberholtzer I never had a problem with Callista O. who had been very angry that I was trying to work and was deaf ,no one had a problem with Callista O. discriminating me in front of everyone and singling me out nothing was being done about it. I knew my rights and I knew I could do the job so I stayed to try and gain employment.

EEOC has found the violations by proper investigation EEOC as well as myself have tried to council with the employer including their attorney Mr. Brian. W Waerig Esq. Which has failed I was given the rights to sue notice in which I bring to the attention of U.S Federal Court.

Judge Quin 17cv231

In this I am requesting loss wages, attorney fees, court fees, punitive damages, anger, stress, hurt, sufferings, inability to pay my bills. I request employer be made to pay \$13.9 million including attorney fees and court fees.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was very Embarrassed Miserable down, didn't know how to stop being nervous or my next job interviews was always shy and scared. Lost wages, opportunity, depressed, angry, stress, inability to afford and pay bills debts, car loans. I didn't know how I could ever have anything because I have a hearing loss that is not of my control.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Court Costs paid by employee
Attorney Fees paid by employer
Lost wages
punitive damages
Anger, Stress, mental anguish
Suffering inability to pay bills
Relief of \$13.9 Million
taxes being removed by employer

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I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13 day of February, 2017

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

E-mail Address

Marilyn H. Chis
1752 Margaret St
Philadelphia Pa 19124

215 437 0314

Lady's place 19124@yahoo.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____

Inmate Number _____

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Spring Village at Floral Vale - A Woodbine Senior Living Community

Like This Page · March 13, 2015 ·

With Callista Grace Oberholtzer.

Georgene Frey, Anne Marie Porcelli, Consuela Alelia Melendez and 13 others like this.



Josephine Rigos You look fantastic and so young looking.

1 · March 13, 2015 at 10:11am

1 Reply



Spring Village at Floral Vale - A Woodbine Senior Living Community Thanks, Jo...hope all is well with you.

March 13, 2015 at 12:37pm



Donna LaRotonda Great picture! See you soon:)

1 · March 13, 2015 at 1:39pm

1 Reply



Elaine Rita Looking good girl!

1 · March 13, 2015 at 6:51pm

Callista, Oberholtzer

Person who angrily
yelled at me during group
Interviews and told me to get up storm up
and pointed at me said "She is deaf"
to other members.

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Spring Village at Floral Vale - A Woodbine Senior Living Community
Like This Page · September 23, 2014 ·

Deb Bodnar, Executive Director of Spring Village at Floral Vale is pictured among her dad's Veteran memorabilia during our recent "Celebrating Our Veterans' Journeys" to benefit the Wounded Warriors.

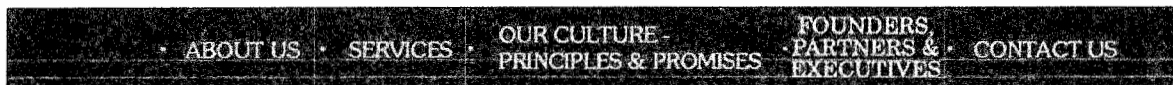
Britt O'Brien, Pat Gerrity and 9 others like this.

Timeline Photos

Deb, Bodnar
Executive Director

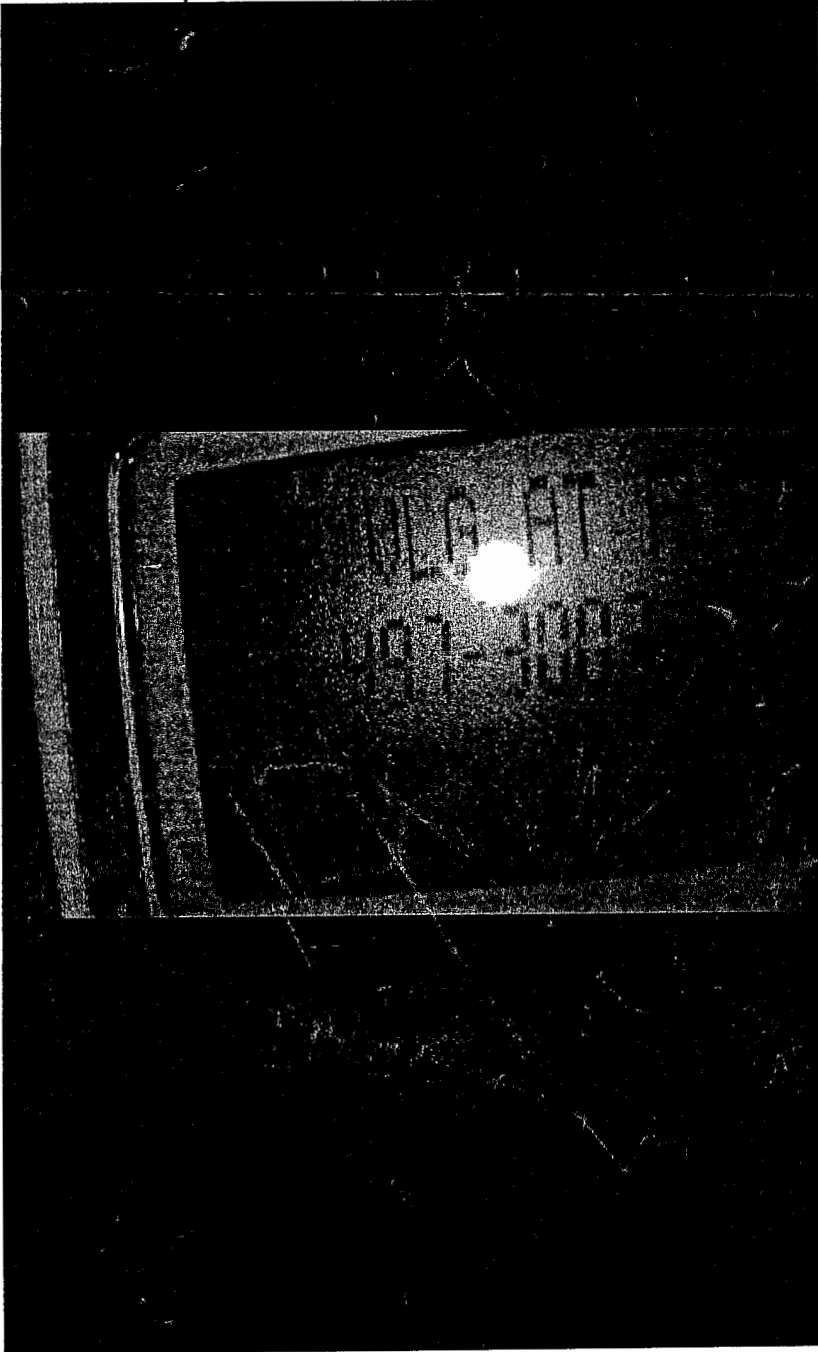
was there but did not do anything
about Calista's behavior she
permitted it wanted to know my
name write it down.

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M. Hamitten - Marilyn Hamilton



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spring village at floral vale

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Distance:

within 25 miles

Salary Estimate

\$20,000+ (4)

Job Type

Full-time (3)

Part-time (3)

Location

Yardley, PA (5)

Spring Village At Floral Vale jobs

Company

Spring Village at Floral Vale (5)

Experience Level

Entry Level (5)

Laundry Aide

Spring Village at Floral Vale - Yardley, PA 19067

\$9 an hour

Spring Village at Floral Vale, a memory care facility, is seeking to hire a Laundry Aide to be responsible for the following:....

Easily apply

12 days ago - save job - more...

5-6 yrs

☒ Also get an email with jobs recommended just for me

Activate

You can cancel email alerts at any time.

Activities Assistant

Spring Village at Floral Vale - Yardley, PA 19067

\$10 - \$11 an hour

The Enrichment Assistant is responsible for consistently engaging residents in familiar routines of daily living through personalized Life Skills that "Create

Easily apply

25 days ago - save job - more...

-1 yr

Care Manager/CNA

Spring Village at Floral Vale - Yardley, PA 19067

\$24,000 a year

The Care Manager/CNA is responsible for providing the highest degree of quality care and services to a consistent group of residents and their families in our

Easily apply

30+ days ago - save job - more...

13 yrs 2004 - now

Housekeeper

Spring Village at Floral Vale - Yardley, PA 19067

\$9 - \$11 an hour

The Housekeeper is responsible for performing housekeeping functions in our community in order to create a safe, secure, and inviting environment for residents,...

Easily apply

27 days ago - save job - more...

5-6 yrs

Cook (Prep Cook)

Spring Village at Floral Vale - Yardley, PA 19067

\$23,000 a year

Responsible for providing food for 50 residents at Memory Care Facility to include three meals and two snack socials per day while maintaining sanitary work...

Easily apply

30+ days ago - save job - more...

4-5 yrs

Never miss a job. Get new jobs emailed to you daily.

Get email updates for the latest **spring village at floral vale**
jobs in Philadelphia, PA

My email:

Activate

☒ Also get an email with jobs recommended just for me

You can cancel email alerts at any time.

✓
near
all
jobs
I can
do and
years of
experience

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